

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3365 of 2022

T. Rajes @ Tamarapalli Rajes ***Petitioner***
Mr.Amulya Ratna Panda, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. M.K. Mohanty, ASC for State

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
16.05.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Boipariguda P.S. Case No.204 of 2021, corresponding to G.R. Case No.1108 of 2021, pending in the file of learned S.D.J.M., Jeypore, for commission of alleged offences under Sections 394/34 of I.P.C.
3. Heard learned counsel for both the parties. Perused the FIR, Case Diary and statement of witnesses.
4. Learned counsel for the Petitioner submits that the Petitioner is in custody since 24.01.2022. It is further submitted that the present Petitioner has been falsely implicated in this case and there is no prima facie case against him. He also

submits that on the basis of suspicion, the prosecution agency has implicated the present Petitioner. The further submission of the learned counsel for the Petitioner is that even though preliminary charge-sheet has been filed but the prosecuting agency as yet could not able to get any legal material to implicate the present Petitioner in this case and nothing has been recovered from the possession of the Petitioner. During course of submission, learned counsel for the Petitioner submits that Petitioner has only one criminal antecedent.

5. Learned counsel for the State vehemently opposes the bail application of the Petitioner on the ground that the Petitioner has been identified by the informant in the T.I. parade. Therefore, no leniency should be shown to the accused person in granting bail. Accordingly, he prays for rejection of the bail application of the Petitioner.

6. Having heard learned counsel for the parties and considering the custodial detention of the Petitioner and the peculiar facts and circumstances of the case, this Court is inclined to release the Petitioner on bail subject to stringent conditions. Let the Petitioner be released on bail subject to furnishing bail bond of Rs.10,000/- (Rupees Ten thousand) with one solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following terms and conditions :

- i) He shall not indulge in similar nature of offence;

ii) He shall appear before the trial court on each and every date and shall cooperate in the matter;

iii) He shall not tamper with the prosecution evidence and shall not make any attempt to influence or threaten the witnesses;

iv) He shall provide his address as well as his phone number to the concerned Police Station and keep the same updated in the event the same is changed in future;

v) He shall appear before the concerned Police Station as and when required;

7. Violation of any of the terms and conditions shall entail cancellation of bail.

8. With the aforesaid observation the BLAPL stands disposed of.

9. Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge